

Applicant: Mercy M. Davidson
Serial No.: 09/604,876
Filed: June 28, 2000
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REMARKS

Claims 1, 3-5, 8, 9 and 12 are pending in the subject application. Claims 3-5, 8, 9 and 12 are allowed. Applicant has hereinabove cancelled claim 1 without prejudice or disclaimer to applicant's right to pursue the subject matter of this claim in a later-filed application. Applicant maintains that none of the changes to the claims raise any issue of new matter. Accordingly, entry of this amendment is respectfully requested such that allowed claims 3-5, 8, 9 and 12 will still be pending.

Advisory Action and January 9, 2006 Examiner Interview

The Examiner stated in the October 31, 2005 Advisory Action that the reply filed by applicant on October 12, 2005 fails to place this application in condition for allowance. The Examiner stated that the proposed amendments would not be entered because they allegedly raised new issues that would require further consideration and/or search. The Examiner stated that the proposed amendment to claim 1 would render it indefinite.

On January 9, 2006, applicant's undersigned attorney, Alan J. Morrison, Esq., had a telephonic interview with Examiner Richard Schnizer concerning applicant's October 12, 2005 Amendment. Applicant wishes to thank the Examiner for his time and consideration during the interview.

Applicant again notes that at present, claims 3-5, 8, 9 and 12 are allowed. During the January 9, 2006 interview,

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the Examiner and Mr. Morrison agreed that since claims 3-5, 8, 9 and 12 were already allowed, cancellation of claim 1 would place the subject application in condition for allowance. Applicant respectfully points out that claim 1 has been cancelled without prejudice or disclaimer. Accordingly, applicant earnestly solicits entry of this Supplemental Amendment and issuance of a Notice of Allowance.

Furthermore, the Examiner indicated in the October 31, 2005 Advisory Action that the Amendment filed by applicant on October 12, 2005 will not be entered. For clarity, applicant again addresses the Examiner=s objections and rejections raised in the July 12, 2005 Final Office Action below.

Claim Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner rejected claim 1 under 35 U.S.C. §112, second paragraph, as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated that the term "obvious" in claim 1 is a relative term which renders the claim indefinite.

In response to the Examiner=s rejection, but without conceding the correctness thereof, applicant points out that claim 1 has been cancelled. Thus, the rejection thereof is now moot.

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Claim Rejection Under 35 U.S.C. §102(b)

The Examiner maintained the rejection of claim 1 under 35 U.S.C. §102(b) as allegedly anticipated by Wang et al. (In Vitro Cellular and Developmental Biology 27(1): 63-74, 1/1991; "Wang").

In response to the Examiner=s rejection, but without conceding the correctness thereof, applicant points out that claim 1 has been cancelled. Thus, the rejection thereof is now moot.

Summary

Applicant maintains that the subject application is in condition for allowance. Accordingly, allowance is respectfully requested.

If a telephone conference would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorneys invite the Examiner to telephone them at the number provided below.

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No fee is deemed necessary in connection with the filing of this Supplemental Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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